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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,425	06/27/2001	Hiroaki Arita	3273-0142P	3973

2292 7590 04/08/2002

BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

EXAMINER

RAJGURU, UMAKANT K

ART UNIT	PAPER NUMBER
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1711

5

DATE MAILED: 04/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

T.D-5

## Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

### Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

### Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

- ☒ Claim(s) 1-6 is/are pending in the application.
- ☐ Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-6 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_.

### Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 4
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

Art Unit: 1711

1. Claims 1-6 are under examination.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-5 are rejected under 35 U.S.C. 102(a) as being anticipated by JP 6329888, Mukohyama (WO 95/18179) JP 3-139557 or JP 59-219365.

(These references are on PTO-1449, paper no. 4).

JP '888 discloses a composition comprising (A) 100 parts by ~~Wt~~ of a polyester block copolymer and (B) 0.01-20.0 parts by wt of a compound of a specific formula. The compound (B) having formula (I) reads on the one of instant claim 4.

Mukohyama discloses a polyester resin composition containing a polyalkylene oxide soft segment component, a plasticizer, a crystallization promoter and a flame retardant. The plasticizer is represented by a formula (p.12, lines 18-24) and reads on the one of instant claim 4.

JP '557 discloses a composition comprising a polyester elastomer and a poly (alkylene oxide) glycol.

JP '365 discloses a composition comprising a reinforcing material, a sodium or potassium salt of a polymer, a polyalkylene glycol and polyester-amide copolymer.

It is therefore evident that above claims 1-5 lack novelty.

*withdrawn  
Sep 19, 2002*

Art Unit: 1711

4. Claims 1-6 are rejected under 35 U.S.C. 102(a) as being anticipated by Mukohyama (WO 95/18179).

*withdrawn  
09.19.2002*

Disclosure of Mukohyama is summarized earlier. Patentee also discloses molded articles in examples.

Claims 1-6 therefore lack novelty.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP '88, Mukohyama (WO 95/181779), JP 1557 or JP '365

(These references are of record on PTO -1449, paper no. 4).

*withdrawn  
09.19.2002*

It would have been obvious from the disclosures of these references, presented in short earlier, for one of ordinary skill to follow their teachings and arrive at instantly claimed invention.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to U.K. Rajguru whose telephone number is (703) 308-3224. The examiner can normally be reached on Monday to Friday from 9:30 AM to 6 PM.

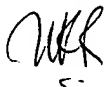

Art Unit: 1711

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck, can be reached on (703) 308-2462. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310 or 9311.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Rajguru/LR

April 3, 2002

A handwritten signature in black ink, appearing to be 'MR' or similar, located below the date.A handwritten signature in black ink, appearing to be 'James J. Seidleck', located above the printed name.

**James J. Seidleck**  
**Supervisory Patent Examiner**  
**Technology Center 1700**